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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)
BBM-141US2

In re Application of: Marc Richelsoph et al.

Application No.: 10/730,210

Filed: December 8, 2003

For: BONE PLATE AND SCREW RETAINING MECHANISM

The owner*, Aesculap II, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term **prior patent** No. 6,695,846 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

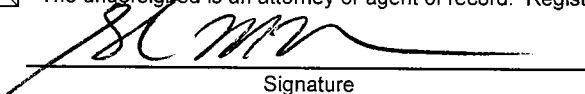
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2. ☒ The undersigned is an attorney or agent of record. Registration No.: 40,081


Signature

11/27/07
Date

Glenn M. Massina
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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